

UNITED STATES PATENT AND TRADEMARK OFFICE

WRILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAR 09 2004

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN ZHIQIANG WANG

Application No. 09/735,503

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 15, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed a Reply Brief on November 3, 2003 in response to the Examiner's Answer entered September 3, 2003. However, there is no indication on the record whether or not the examiner has responded to the Reply Brief. Section 1208.03 of the Manual of Patent Examining Procedure (8th ed., rev. 1, Feb. 2003) states:

[A]ppellant may file a reply brief as a matter of right within 2 months from the mailing date of the examiner's answer. . . . The primary must then either: (A) acknowledge receipt and entry of the reply brief by

using form paragraph 12.47 on form PTOL-90; or (B)
reopen prosecution to respond to the reply brief. See
MPEP § 1208.02.

Accordingly, it is

ORDERED that the application is electronically returned
to the examiner to properly respond to appellant's Reply Brief
filed on November 3, 2003, or to reopen prosecution, and for such
further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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